

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAVID GRAYS,)
)
Petitioner,)
)
v.) No. 4:07CV2117 HEA
)
DWAYNE KEMPKER,)
)
Respondent.)

ORDER OF DISMISSAL

IT IS HEREBY ORDERED that petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED**, without prejudice, because the action is time-barred, as well as successive, and the Eighth Circuit Court of Appeals has not authorized petitioner to bring this action as required by 28 U.S.C. § 2244.

IT IS FURTHER ORDERED that petitioner is **DENIED** a certificate of appealability if he appeals this order of dismissal.

Dated this 4th day of February, 2008.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE